

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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FIFTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, January 15, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Karl Kroger, followed by the Pledge of Allegiance led by Senate page Elizabeth Bitterman.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

**COMMUNICATIONS AND PETITIONS**

November 27, 2012

The Honorable Matt Michels  
President of the Senate  
500 East Capitol Avenue  
Pierre, SD 57501

Re: Appointment of Thomas E. Simmons, to the Board of Pardons and Paroles

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of SDCL 24-13-1, and subject to your confirmation, the Court has appointed Thomas E. Simmons, an attorney from Rapid City, South Dakota, to the Board of Pardons and Paroles. Accordingly, the Court requests that you submit said appointment to the Senate for consent during the next Legislative Session.

We will await your advice as to the Senate's action with regard to this appointment. Thank you for your continued cooperation.

Very truly yours,  
Shirley A. Jameson-Fergel, Clerk  
Supreme Court

The President announced the referral of the appointment to the Committee on Judiciary.

January 8, 2013

The Honorable Matt Michels  
President of the Senate  
500 E. Capitol  
Pierre, SD 57501

RE: Keith Bonenberger/Board of Pardons and Paroles

Dear Mr. President and Members of the Senate:

Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and subject to your consent, I have the honor to inform you that I have appointed Keith Bonenberger to the Board of Pardons and Paroles.

1 Enclosed is a copy of the following:

- 2 1. The Statement of Financial Interest
- 3 2. Senate Confirmation Information
- 4 3. Oath
- 5 4. The October 4, 2012, letter of appointment

6 This appointment is effective January 21<sup>st</sup>, 2013 and expires January 16, 2017.

7 Sincerely,  
8 Marty J. Jackley  
9 ATTORNEY GENERAL

10 The President announced the referral of the appointment to the Committee on Judiciary.

11 January 8, 2013

12 The Honorable Matt Michels  
13 President of the Senate  
14 500 E. Capitol  
15 Pierre, SD 57501

16 RE: Sharon Kallemeyn/Crime Victims' Compensation Commission

17 Dear Mr. President and Members of the Senate:

18 Pursuant to the provisions of Chapter 23A-28B of the South Dakota Codified Laws and subject  
19 to your consent, I have the honor to inform you that I have appointed Sharon Kallemeyn to the  
20 Crime Victims' Compensation Commission.

21 Enclosed is a copy of the following:

- 22 1. The Statement of Financial Interest
- 23 2. Senate Confirmation Information
- 24 3. Oath
- 25 4. The November 2<sup>nd</sup>, 2012, letter of appointment

26 This appointment was effective October 31<sup>st</sup>, 2012 and expires October 30<sup>th</sup>, 2015.

27 Sincerely,  
28 Marty J. Jackley  
29 ATTORNEY GENERAL

30 The President announced the referral of the appointment to the Committee on Judiciary.

**REPORTS OF STANDING COMMITTEES**

MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 37 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 38 and returns the same with the recommendation that said bill be amended as follows:

38rta

On page 1, line 1, of the printed bill, delete "juvenile".

On page 1, line 2, after "and" insert "juvenile".

And that as so amended said bill do pass.

Respectfully submitted,  
Craig Tieszen, Chair

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 7, 12, 63, and 64 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 60 and returns the same with the recommendation that said bill be amended as follows:

60sta

On page 1, line 1, of the printed bill, delete "appraisal" and insert "appraiser".

And that as so amended said bill do pass.

Respectfully submitted,  
Ried S. Holien, Chair

1                   **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

2           The Senate proceeded to the consideration of the executive appointment of Larry  
3 Zimmerman of Pennington County, Rapid City, South Dakota, to the position of Secretary of  
4 the Department of Veterans Affairs.

5           The question being "Does the Senate advise and consent to the executive appointment of  
6 Larry Zimmerman pursuant to the executive message as found on page 18 of the Senate  
7 Journal?"

8           And the roll being called:

9           Yeas 35, Nays 0, Excused 0, Absent 0

10          Yeas:  
11 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
12 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
13 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
14 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

15          So the question having received an affirmative vote of a majority of the members-elect, the  
16 President declared the appointment confirmed.

17                   **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

18          SB 74 Introduced by: Senators Rhoden, Ewing, Hunhoff (Jean), Jensen, Kirkeby, Krebs,  
19 Maher, Omdahl, Otten (Ernie), Soholt, Sutton, Vehle, and White and Representatives Hoffman,  
20 Cammack, Feickert, Olson (Betty), Russell, and Wink

21          FOR AN ACT ENTITLED, An Act to require the forfeiture of preference points for certain  
22 hunting licenses upon conviction of unlawfully killing, destroying, taking, or possessing trophy  
23 animals.

24          Was read the first time and referred to the Committee on Agriculture and Natural  
25 Resources.

26                   **SECOND READING OF CONSENT CALENDAR ITEMS**

27          SB 13: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the  
28 administration of mineral rights on and under research parks.

29          Was read the second time.

1 The question being "Shall SB 13 pass?"

2 And the roll being called:

3 Yeas 35, Nays 0, Excused 0, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
6 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
7 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
8 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

9 So the bill having received an affirmative vote of a majority of the members-elect, the  
10 President declared the bill passed and the title was agreed to.

11 SB 33: FOR AN ACT ENTITLED, An Act to authorize the use of an online reverse  
12 auction for the procurement of certain goods and services by governmental agencies.

13 Was read the second time.

14 The question being "Shall SB 33 pass?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas:

18 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
19 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
20 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
21 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 President declared the bill passed and the title was agreed to.

## 24 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 SB 34: FOR AN ACT ENTITLED, An Act to provide for the sale of the state's interests  
26 in certain real estate and improvements located at the Human Services Center campus.

27 Was read the second time.

28 The question being "Shall SB 34 pass?"

29 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;  
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;  
5 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;  
6 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a majority of the members-elect, the  
8 President declared the bill passed and the title was agreed to.

9 Sen. Buhl moved that the Senate do now adjourn, which motion prevailed and at 2:28 p.m.  
10 the Senate adjourned.

11 Jeannette Schipper, Secretary